

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Hammill Manufacturing Company,

Case No. 3:08CV2610

Plaintiff

v.

ORDER

Jeffrey Lasner,

Defendant

This is a declaratory judgment action in which the plaintiff/counter-defendant Hammill Manufacturing Company [Hammill] has filed a motion to dismiss the defendant/counter-plaintiff Jeffrey Lasner's counterclaim with regard to his claim of infringement as to two of the patents involved in the dispute between the parties. [Doc. 16].

For the reasons that follow, the motion to dismiss shall be granted.

As Hammill points out, Lasner does not contend that he owns the patents. Instead, Lasner says he was entitled to have them assigned to him pursuant to a contract between the parties. The gravamen of Lasner's contentions is that he *should be, but is not* the owner.

Regardless of the merits of Lasner's contentions about a breach of the underlying agreement, Hammill, not he, is the present owner of the patents. As such, it alone has the right to sue under those patents.

Lasner is without standing to sue on the patents. The motion to dismiss his effort to do so must be granted.

It is, therefore,

ORDERED THAT plaintiff/counter-defendant's motion to dismiss [Doc. 16] be, and the same hereby is granted.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge